

United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 MIKE LABINS, on behalf of himself and all
11 others similarly situated,

12 Plaintiff,

13 v.

14 CHARLES SCHWAB CORPORATION,
CHARLES SCHWAB & CO. INC.,
CHARLES SCHWAB INVESTMENT
15 MANAGEMENT, INC., CHARLES R.
SCHWAB, EVELYN DILSAVER,
RANDALL W. MERK and GEORGE
16 PEREIRA,
17

18 Defendants.

No. C 08-01510 WHA
No. C 08-01733 WHA
No. C 08-01936 WHA
No. C 08-01994 WHA
No. C 08-02058 WHA
No. C 08-02487 WHA

**ORDER CONSOLIDATING
ACTIONS AND REQUESTING
INFORMATION FROM LEAD
PLAINTIFF CANDIDATES**

19 GERRY HAGEMAN, on behalf of himself and
20 all others similarly situated,

21 Plaintiff,

22 v.

23 CHARLES SCHWAB CORPORATION,
CHARLES SCHWAB & CO. INC.,
CHARLES SCHWAB INVESTMENT
24 MANAGEMENT, INC., CHARLES R.
SCHWAB, EVELYN DILSAVER,
RANDALL W. MERK and GEORGE
25 PEREIRA,
26

27 Defendants.

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United States District Court
For the Northern District of California

1 W. MERRILL GLASGOW, on behalf of
2 himself and all others similarly situated,

3 Plaintiff,

4 v.

5 CHARLES SCHWAB CORPORATION,
6 CHARLES SCHWAB & CO. INC.,
7 CHARLES SCHWAB INVESTMENT
8 MANAGEMENT, INC., CHARLES R.
9 SCHWAB, EVELYN DILSAVER,
10 RANDALL W. MERK and GEORGE
11 PEREIRA,

12 Defendants.

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14 NILS FLANZRAICH and JILL
15 FLANZRAICH, on behalf of himself and all
16 others similarly situated,

17 Plaintiff,

18 v.

19 CHARLES SCHWAB CORPORATION,
20 CHARLES SCHWAB & CO. INC.,
21 CHARLES SCHWAB INVESTMENT
22 MANAGEMENT, INC., CHARLES R.
23 SCHWAB, SCHWAB INVESTMENTS;
24 SCHWAB YIELDPLUS FUND SELECT
25 SHARES; EVELYN DILSAVER; RANDALL
26 W. MERK, and GEORGE PEREIRA,

27 Defendants.

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United States District Court

For the Northern District of California

1 VINAYAK R. PAI DEFINED BENEFITS
2 PENSION PLAN, on behalf of himself and all
3 others similarly situated,

4 Plaintiff,

5 v.

6 CHARLES SCHWAB CORPORATION,
7 CHARLES SCHWAB & CO. INC.,
8 CHARLES SCHWAB INVESTMENT
9 MANAGEMENT, INC., SCHWAB
10 INVESTMENTS, CHARLES R. SCHWAB,
11 EVELYN DILSAVER, RANDALL W.
12 MERK, GREGORY HAND, GEORGE
13 PEREIRA, DONALD F. DOWARD,
14 MARIANN BYERWALTER, WILLIAM A.
15 HASLER, ROBERT G. HOLMES, GERALD
16 B. SMITH, DONALD R. STEPHENS,
17 MICHAEL W. WILSEY, and JEFF LYONS,

18 Defendants.

19 ROBERT LEVINS and KARL KYZER, on
20 behalf of himself and all others similarly
21 situated,

22 Plaintiffs,

23 v.

24 CHARLES SCHWAB CORPORATION,
25 CHARLES SCHWAB & CO. INC.,
26 CHARLES SCHWAB INVESTMENT
27 MANAGEMENT, INC., CHARLES R.
28 SCHWAB, EVELYN DILSAVER,
CHARLES R. SCHWAB, EVELYN DILSAVER,
RANDALL W. MERK, MARIANN
BYERWALTER, DONALD F. DOWARD,
WILLIAM A. HASLER, ROBERT G.
HOLMES, GERALD B. SMITH, DONALD R.
STEPHENS, and MICHAEL W. WILSEY,

Defendants.

Many parties have moved to consolidate the above-entitled related civil actions. No opposition having been received, this order hereby **CONSOLIDATES** the actions for all purposes, pursuant to FRCP 42(a). The caption of these consolidated cases shall be "*In re Charles Schwab Corp. Securities Litigation*," and the files of this action shall be maintained in one file

United States District Court

For the Northern District of California

1 under Master File No. C 08-01510 WHA. Any other actions now pending or hereafter filed in
2 this district which arise out of the same facts and claims as alleged in these related actions shall
3 be consolidated for all purposes, if and when they are brought before this Court and the Court
4 accepts the transfer and approves consolidation.

5 The motions to appoint lead plaintiff and lead counsel are currently set for Wednesday,
6 July 2, 2008. As opposed to “group” candidates, the Court wishes to evaluate the qualifications
7 of single investors, either institutional investors or individuals, to serve as lead plaintiff. *See In*
8 *re Network Assocs., Inc., Sec. Litig.*, 76 F. Supp. 2d 1017, 1019–27 (N.D. Cal. 1999) (Alsup, J.).
9 The Court is particularly interested in considering single investors with large losses and in
10 evaluating their experience in managing litigation. Any “group” of movants must narrow its
11 candidates to one or two single investors and file answers to the appended questionnaire by
12 **WEDNESDAY, JUNE 25, 2008**, including the certification called for therein.

13 Each candidate must attend the hearing on July 2, 2008, and be prepared to answer
14 questions. They should also be prepared to critique the methodology used by competing
15 candidates. The Court would also appreciate defense counsel to attend the hearing on lead
16 plaintiff selection. Defense counsel should be prepared to address the accuracy of the
17 methodology used by candidates to assess their damage claims.

18 All questionnaires and other submissions shall be served both by facsimile and by mail
19 on all counsel named on the Court’s appended service list. Counsel are responsible for
20 contacting each other and obtaining the correct facsimile number. Applications for class
21 counsel shall be deferred until after the lead plaintiff has been appointed.

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23 **IT IS SO ORDERED.**

24
25 Dated: June 11, 2008.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE